

DAVID T. BROWN, ESQ.
Nevada Bar No. 006914
BROWN BROWN & PREMSRIRUT
520 South Fourth Street, 2nd Fl.
Las Vegas, Nevada 89101
Phone: (702) 384-5563
Fax: (702) 385-1023
dbrown@brownlawlv.com
Attorney for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ZACHARY SANNS,

Defendants.

2:20-cr-00265-JCM-BNW

**STIPULATION TO CONTINUE
TRIAL
(Seventh Request)**

**No further continuances will be
granted absent the filing of a motion
and showing of good cause**

IT IS HEREBY STIPULATED AND AGREED, by and between JASON FRIELSON,

United States Attorney, and Christopher Burton, Assistant United States Attorney, counsel for the United States of America, and David T. Brown, counsel for defendant, that the trial date currently scheduled for April 5, 2023, and the calendar call currently set for April 10, 2023, be vacated and be continued for at least ninety (90) days to a date and time that is convenient to this Court.

This stipulation is entered into for the following reasons:

1. Defense counsel needs additional time to conduct additional investigation, find and interview potential witnesses and research any pretrial issues.
2. Defense counsel is in the process of reviewing additional video evidence that has been provided that show the events of the evening in question as well as attempting to locate potential witnesses.
3. In addition, the parties are working with one another to reach a potential resolution for this case and feel the review of this evidence could expedite a plea agreement.

1 4. The defendant is not in custody and agrees to the continuance.

2 5. The parties agree to the continuance.

3 6. The additional time is to allow defense counsel sufficient time to investigation
4 and litigate any necessary pretrial issues and to prepare for trial, if this case cannot be
5 resolved through negotiations.

6 7. Since April 2020, the COVID-19 pandemic and the Chief Judge's series of
7 General Orders regarding the pandemic, have slowed the prompt administration of justice in
8 the courts of the United States. Despite the District of Nevada's recent ability to start
9 conducting a limited number of jury trials, COVID based delays in this District threaten to
10 persist into the immediate future.

11 8. Additionally, this continuance is not made for the purposes of delay, and
12 denial of this request for continuance could result in a miscarriage of justice. The additional
13 time requested is excludable in computing the time within which trial must commence under
14 the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), based on the factors under §
15 3161(h)(7)(B)(I), (iv).

16 Dated this 15th day of March, 2023.

17
18 /s/ David Brown

19 _____
20 DAVID T. BROWN, ESQ.
 Counsel for Defendant

21 /s/ Christopher Burton

22 _____
23 CHRISTOPHER BURTON, ESQ.
 United States Attorney

1 DAVID T. BROWN, ESQ.
Nevada Bar No. 006914
2 BROWN, BROWN & PREMSRIRUT
520 South Fourth Street, 2nd Fl.
3 Las Vegas, Nevada 89101
Phone: (702) 384-5563
4 Fax: (702) 385-1023
dbrown@brownlawlv.com
5 Attorney for Defendant

6
7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)

11 Plaintiff,)

12 vs.)

13 ZACHARY SANNS,)

14 Defendants.)
15

2:20-cr-002265-JCM-BNW

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

16 **FINDINGS OF FACT**

17 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
18 Court finds that:

19 1. Defense counsel needs additional time to conduct additional investigation,
20 find and interview potential witnesses and research any pretrial issues.

21 2. Defense counsel is in the process of reviewing additional video evidence that
22 has been provided that show the events of the evening in question as well as attempting to
23 locate potential witnesses.

24 3. In addition, the parties are working with one another to reach a potential
25 resolution for this case and feel the review of this evidence could expedite a plea agreement.

26 4. The defendant is not in custody and agrees to the continuance.

27 5. The parties agree to the continuance.

28 6. The additional time is to allow defense counsel sufficient time to investigation

1 and litigate any necessary pretrial issues and to prepare for trial, if this case cannot be
2 resolved through negotiations.

3 7. Since April 2020, the COVID-19 pandemic and the Chief Judge's series of
4 General Orders regarding the pandemic, have slowed the prompt administration of justice in
5 the courts of the United States. Despite the District of Nevada's recent ability to start
6 conducting a limited number of jury trials, COVID based delays in this District threaten to
7 persist into the immediate future.

8 8. Additionally, this continuance is not made for the purposes of delay, and
9 denial of this request for continuance could result in a miscarriage of justice. The additional
10 time requested is excludable in computing the time within which trial must commence under
11 the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), based on the factors under §
12 3161(h)(7)(B)(I), (iv).

13 CONCLUSION OF LAW

14 There is good cause in continuing the trial and the ends of justice served by granting said
15 continuance outweigh the best interest of the public and the defendant, since the failure to grant
16 said continuance would be likely to result in a miscarriage of justice, would deny the parties
17 herein sufficient time and the opportunity within which to be able to effectively and thoroughly
18 prepare for the preliminary hearing, taking into account the exercise of due diligence.

19 The continuance sought herein is excusable under Federal Rules of Criminal Procedure
20 5.1(d) and the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(7)(A), when
21 considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and (iv).

22 ///

23 ///

24 ///

DATED March 15, 2023.

5